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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 FRANCISCO MUÑOZ MARQUEZ;
13 LUIS A. VIDAL,

14 Plaintiffs,

15 v.

16 JUVENTINO RODRIGUEZ; ROBERT
JAMES RODRIGUEZ; CHRISTINE
17 CAMARILLO; MARTHA V. RODRIGUEZ;
and J & E HVAC, INC.,

18 Defendants.
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CASE NO. 08-CV-1702 HRL

ANSWER OF DEFENDANTS
ROBERT JAMES RODRIGUEZ, CHRISTINE
CAMARILLO, and J&E HVAC, INC.

21 Defendants Robert James Rodriguez, Christine Camarillo, and J & E HVAC, Inc. (referred to
22 jointly as Defendants) answer the complaint of Francisco Muñoz Marquez and Luis A. Vidal
23 (referred to jointly as Plaintiffs) as follows in accordance with the numbered paragraphs thereof:

- 24 1. Defendants deny that they failed to pay Plaintiffs appropriately for their work.
25 2. Defendants deny all of the allegations of this paragraph.
26 3. Defendants deny that the “events” are as alleged by Plaintiffs, but admit that this
27 Court is a proper venue for the lawsuit.
28 4. Defendants admit the allegations of this paragraph.

- 1 5. Defendants admit the allegations of this paragraph as to the named plaintiffs.
- 2 Defendants have no information as to “Opt-In Consenter Plaintiffs”, and therefore are
- 3 unable to admit or deny the allegations as to them.
- 4 6. Defendants are unable to admit or deny the allegations of this paragraph.
- 5 7. Defendants deny the allegations of this paragraph.
- 6 8. Defendants are not able to admit or deny the allegations of this paragraph.
- 7 9. Defendants are not able to admit or deny the allegations of this paragraph.
- 8 10. Defendants admit the allegations of this paragraph.
- 9 11. Defendants are not able to admit or deny the allegations of this paragraph.
- 10 12. Defendants admit that Eileen Rodriguez was an officer of V-FAB, Inc., and otherwise
- 11 deny all of the allegations of this paragraph.
- 12 13. Defendants are unable to answer the allegation of this paragraph as it is unintelligible
- 13 and ambiguous.
- 14 14. Defendants deny the allegations of this paragraph.
- 15 15. Defendants deny the allegations of this paragraph
- 16 16. Defendants deny the allegations of this paragraph.
- 17 17. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 18 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 19 18. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 20 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 21 19. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 22 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 23 20. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 24 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 25 21. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 26 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 27 22. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
- 28 and/or Eileen Rodriguez, and deny the allegations of this paragraph.

- 1 23. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
2 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 3 24. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
4 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 5 25. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
6 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 7 26. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
8 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 9 27. Defendants' responses to the allegations of paragraphs 1 through 26 are realleged and
10 incorporated herein by reference.
- 11 28. Defendants admit the allegations of this paragraph.
- 12 29. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
13 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 14 30. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
15 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 16 31. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
17 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 18 32. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
19 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 20 33. Defendants deny the allegations of this paragraph.
- 21 34. Defendants deny the allegations of this paragraph.
- 22 35. Defendants deny the allegations of this paragraph.
- 23 36. Defendants' responses to the allegations of paragraphs 1 through 35 are realleged and
24 incorporated herein by reference.
- 25 37. Defendants deny the allegations of the first sentence of this paragraph. Except as
26 denied, Defendants admit the allegations of this paragraph.
- 27 38. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
28 and/or Eileen Rodriguez, and deny the allegations of this paragraph.

- 1 39. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
2 and/or Eileen Rodriguez. Additionally, individual Defendants Robert James
3 Rodriguez and Christine Camarillo have no personal liability, and deny the
4 allegations of this paragraph. Defendant J&E HVAC admits the allegations of this
5 paragraph.
- 6 40. Defendants deny the allegations of this paragraph.
- 7 41. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
8 and/or Eileen Rodriguez. Additionally, individual Defendants Robert James
9 Rodriguez and Christine Camarillo have no personal liability, and deny the
10 allegations of this paragraph. DEFENDANT J&E HVAC denies the allegations of
11 this paragraph.
- 12 42. Defendants deny the allegations of this paragraph.
- 13 43. Defendants deny the allegations of this paragraph.
- 14 44. Defendants' responses to the allegations of paragraphs 1 through 43 are realleged and
15 incorporated herein by reference.
- 16 45. Defendants deny that there existed "various PROJECTS" as defined by the
17 Complaint.
- 18 46. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
19 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 20 47. Defendants deny that there existed "CONTRACTS" as defined by the Complaint and
21 deny the allegations of this paragraph.
- 22 48. Defendants deny that there existed "CONTRACTS" as defined by the Complaint and
23 deny the allegations of this paragraph.
- 24 49. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,
25 and/or Eileen Rodriguez, and deny the allegations of this paragraph.
- 26 50. Defendants deny that there existed "CONTRACTS" as defined by the Complaint and
27 deny the allegations of this paragraph.
- 28 51. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,

and/or Eileen Rodriguez, and deny the allegations of this paragraph.

52. Defendants deny the allegations of this paragraph.

53. Defendants deny the allegations of this paragraph.

54. Defendants deny that there existed "CONTRACTS" as defined by the Complaint and deny the allegations of this paragraph.

55. Defendants' responses to the allegations of paragraphs 1 through 54 are realleged and incorporated herein by reference.

56. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

57. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

58. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

59. Defendants are not able to admit or deny the allegations of this paragraph.

60. Defendants' responses to the allegations of paragraphs 1 through 59 are realleged and incorporated herein by reference.

61. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

62. Defendants acknowledge Plaintiffs' restatement of the law.

63. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

64. Defendants' responses to the allegations of paragraphs 1 through 63 are realleged and incorporated herein by reference.

65. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

66. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

67. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez,

and/or Eileen Rodriguez, and deny the allegations of this paragraph.

68. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

69. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

70. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

71. Defendants are not joint employers with Juventino Rodriguez, Martha V. Rodriguez, and/or Eileen Rodriguez, and deny the allegations of this paragraph.

Affirmative Defenses

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO THE COMPLAINT ON FILE HEREIN, Defendants allege that the complaint fails to state facts sufficient to constitute a cause of action against these Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO THE COMPLAINT ON FILE HEREIN, Defendants allege that Plaintiffs are estopped from alleging the matters set forth in the Complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO THE COMPLAINT ON FILE HEREIN, Defendants allege that the Complaint is barred in part or in whole by the doctrine of unclean hands.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE TO THE COMPLAINT ON FILE HEREIN, Defendants presently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. Defendants reserve herein the right to assert additional defenses in the event discovery indicates that they would be appropriate.

WHEREFORE, Defendants Robert James Rodriguez, Christine Camarillo, and J & E HVAC, Inc. pray that Plaintiffs take nothing by reason of their Complaint herein and that Defendants be awarded their costs of suit incurred herein, attorney's fees and such other and further relief as the Court deems just and proper.

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SIMS & LAYTON

Dated: _____ By: _____
RONA P. LAYTON, Attorneys for
Defendants Robert James Rodriguez,
Christine Camarillo, and J & E HVAC,
Inc.